

## DRAFT RECODIFICATION

### Title 79 RCW PUBLIC LANDS

#### Chapter 79.15 RCW

#### SALE OF VALUABLE MATERIALS

*{see note at beginning of chapter 79.13}*

#### PART I General Provisions

#### **RCW ~~79.01.124~~ 79.15.010 Valuable materials sold separately, ~~when.~~**

(1) Valuable materials situated upon state lands and state forest lands may be sold separate from the land, when in the judgment of the commissioner of public lands department, it is for the best interest of the state so to sell the same.

(2) Sales of valuable materials from any university lands require:

(a) The consent of the board of regents of the University of Washington, or

(b) Legislative directive.

*{79.01.184}*

(3) When application is made for the purchase of any valuable materials, the commissioner of public lands department shall appraise the value of the valuable materials if the commissioner department determines it is in the best interest of the state to sell. No valuable materials shall be sold for less than the appraised value thereof.

*{see note at the beginning of chapter 79.13}*

[2001 c 250 § 3; 1982 1st ex.s. c 21 § 154; 1959 c 257 § 12; 1929 c 220 § 1; 1927 c 255 § 31; RRS § 7797-31. Prior: 1915 c 147 § 2; 1909 c 223 § 3; 1907 c 256 § 6; 1901 c 148 § 1; 1899 c 129 § 1; 1897 c 89 § 12; 1895 c 178 § 23. Formerly RCW [79.12.100](#).]

#### NOTES:

**Savings -- Captions -- Severability -- Effective dates -- 1982 1st ex.s. c 21:** See RCW [79.96.901](#) through [79.96.905](#).

Forests and forest products: Title [76](#) RCW.

#### NEW SECTION **79.15.020, Duties of the department** *{sale of valuable materials}*

(1) The department shall exercise general supervision and control over the sale of valuable materials.

(2) The department shall maintain all reports, data, and information in its records pertaining to a proposed sale.

(3) The department may hold a sale in abeyance pending further inspection and report and may cause such further inspection and report.

(4) The department shall determine, based on subsection (2) of this section, and if necessary the information provided under subsection (3) of this section, the terms upon which the proposed sales are consummated.

*{79.01.094}*

**RCW ~~79.01.160~~ 79.15.030 Rules or procedures for removal of valuable materials sold.**

All sales of valuable materials upon state lands and state forest lands shall be made subject to the right, power, and authority of the ~~commissioner of public lands~~ department to prescribe rules or procedures governing the manner of the sale and removal of the valuable materials. Such procedures shall be binding when contained within a purchaser's contract for valuable materials and apply to the purchaser's successors in interest and shall be enforced by the ~~commissioner of public lands~~ department.

*{see note at the beginning of chapter 79.13}*

[2001 c 250 § 5; 1959 c 257 § 15; 1927 c 255 § 40; RRS § 7797-40. Prior: 1915 c 147 § 2; 1909 c 223 § 3; 1907 c 256 § 6; 1901 c 148 § 1; 1899 c 129 § 1; 1897 c 89 § 12; 1895 c 178 § 23. Formerly RCW [79.12.190](#).]

**NOTES:**

*Forest protection: Chapter 76.04 RCW*

**RCW ~~79.01.168~~ 79.15.040 Sale of valuable materials—~~Inspection, appraisal without application or deposit.~~**

The ~~commissioner of public lands~~ department may cause valuable materials on state lands and state forest lands to be inspected and appraised and offered for sale when authorized by the board of ~~natural resources~~ without an application having been filed, or deposit made, for the purchase of the same.

*{see note after RCW 79.15.030}*

[1961 c 73 § 2; 1959 c 257 § 17; 1927 c 255 § 42; RRS § 7797-42. Prior: 1915 c 147 § 2. Formerly RCW 79.12.210.]

**NEW SECTION 79.15.045, Who may purchase**

A person desiring to purchase valuable materials may make application to the department on forms provided by the department and accompanied by the fee provided in RCW 79.02.250.

*{79.01.088}*

*{Reasonable fees are clearly described in RCW 79.01.088 which is incorporated into 79.02.250.}*

**NEW SECTION RCW 79.15.050 Type of sale—Direct sales.**

(1) All sales of valuable materials exceeding twenty thousand dollars in appraised value must be at public auction or by sealed bid to the highest bidder, provided that on public lands granted to the state for educational purposes sealed bids may be accepted for sales of timber or stone only. *{79.01.184 & 79.01.200}*

(2) A direct sale of valuable materials may be sold to the applicant for cash at full appraised value without notice or advertising. The board of ~~natural resources~~ shall must, by resolution,

establish the value amount of a direct sale not to exceed twenty thousand dollars in appraised sale value, and establish procedures to ensure that competitive market prices and accountability ~~will be~~ are guaranteed.

*{79.01.184}*

**RCW ~~79.01.082~~ 79.15.055 Appraisal--Defined.**

For the purposes of this ~~title chapter~~, "appraisal" means an estimate of the market value of land or valuable materials. The estimate must reflect the value based on market conditions at the time of the sale or transfer offering. The appraisal must reflect the department's ~~of natural resources'~~ best effort to establish a reasonable market value for the purpose of setting a minimum bid at auction or transfer. A purchaser of state lands or valuable materials may not rely upon the appraisal prepared by the department ~~of natural resources~~ for purposes of deciding whether to make a purchase from the department. All purchasers are required to make their own independent appraisals.

[2001 c 250 § 10.]

**NEW SECTION 79.15.060, Date of sale limited by time of appraisal.—Transfer of authority.**

(1) For the sale of valuable materials under this chapter, if the board is required by law to appraise the sale, the board must establish a minimum appraisal value that is valid for a period of one hundred eighty days, or a longer period as may be established by resolution. The board may reestablish the minimum appraisal value at any time. For any valuable materials sales that the board is required by law to appraise, the board may by resolution transfer this authority to the department.

(2) Where the board has set a minimum appraisal value for a valuable materials sale, the department may set the final appraisal value of valuable materials for auction, which must be equal to or greater than the board's minimum appraisal value. The department may also appraise any valuable materials sale not required by law to be approved by the board.

*{79.01.116}*

**NEW SECTION RCW 79.15.070 Time and date of sale.**

It is the duty of the department to fix the date, time, and place of sale.

(1) All valuable materials shall have been appraised prior to the date fixed for sale as prescribed in RCW 79.15.060. *{79.01.116}*

(2) No sale may be conducted on any day that is a legal holiday. *{79.01.184}*

(3) Sales must be held between the hours of 10:00 a.m. and 4:00 p.m. If all sales cannot be offered within this time period, the sale must continue on the following day between the hours of 10:00 a.m. and 4:00 p.m.

(4) Sales must take place:

(a) At the department's regional office having jurisdiction over the respective sale; or

(b) On county property designated by the board of county commissioners or county legislative authority of the county in which the whole or majority of valuable materials are situated.

*{79.01.196}*

**NEW SECTION RCW 79.15.080 Advertising sales of valuable materials.**

(1) Sales, other than direct sales, appraised at an amount not exceeding one hundred thousand dollars, when authorized by the board for sale, shall be advertised by publishing not less than ten days prior to sale a notice of such sale in a newspaper of general circulation located nearest to the property from which the valuable material is to be sold. *{from 79.01.200}*

(2) All other proposed sales of valuable materials shall be advertised through individual notice of sale and publication of a state-wide list of sales.

(a) The notice of sale:

(i) Must specify the place, date and time of sale, the appraised value thereof, and describe with particularity each parcel of land from which valuable materials are to be sold. The estimated volume will be identified and the terms of sale will be available in the region headquarters and the department's Olympia office.

(ii) May prescribe that the bid deposit required in RCW 79.15.110 be considered an opening bid *{79.01.204}*.

(iii) Must be published not less than two times during a four-week period prior to the time of sale in at least one newspaper of general circulation where the material is located.

(iv) Must be posted in a conspicuous place in the department's Olympia office and in the region headquarters administering the sale, and in the office of the county auditor of the county where the material is located.

*{79.01.184}*

(b) The department shall print a list of all valuable material on public lands that are to be sold. The list should be organized by county and by alphabetical order.

(i) The list should be published in a pamphlet form, issued at least four weeks prior to the date of any sale and provide sale information to prospective buyers.

(ii) The department must retain for free distribution in the Olympia office and the region offices sufficient copies of the pamphlet, to be kept in a conspicuous place, and, when requested to do so, must mail copies of the pamphlet as issued to any requesting applicant.

(iii) The department may seek additional means of publishing the information in the pamphlet, such as on the internet, to increase the number of prospective buyers.

*{79.01.188}*

(3) The department is authorized to expend any sum in additional advertising of the sales as it deems necessary.

*{79.01.192}*

**NEW SECTION 79.15.090 Advertisement for informational purposes only.**

The advertisement of sales is for informational purposes only, and under no circumstances does the information in the notice of sale constitute a warranty that the purchaser will receive the stated values, volumes, or acreage. All purchasers are expected to make their own measurements, evaluations, and appraisals.

*{79.01.184}*

**NEW SECTION RCW 79.15.100 Terms and conditions of sale.**

*{Replaces RCW 79.01.132 & .133}*

(1) Valuable materials may be sold separately from the land as a "lump sum sale" or as a "scale sale".

(a) "Lump sum sale" means "any sale offered with a single total price applying to all the material conveyed."

(b) "Scale sale" means "any sale offered with per unit prices to be applied to the material conveyed."

(2) Payment for lump sum sales must be made as follows:

(a) Lump sum sales under five thousand dollars appraised value shall require full payment on the day of sale.

(b) Lump sum sales appraised at over five thousand dollars but under one hundred thousand dollars may require full payment on the day of sale. *{79.01.200}*

(c) Lump sum sales requiring full payment on the day of sale may be paid in cash or by certified check, cashier's check, bank draft, or money order, all payable to the department. *{79.01.204}*

(3) Except for sales paid in full on the day of sale or sales with adequate bid bonds, an initial deposit not to exceed twenty-five percent of the actual or projected purchase price shall be made on the day of sale.

(a) Sales with bid bonds are subject to the day of sale payment and replacement requirements prescribed by RCW 79.15.110.

(b) The initial deposit must be maintained until all contract obligations of the purchaser are satisfied. However, all or a portion of the initial deposit may be applied as the final payment for the valuable materials in the event the department determines that adequate security exists for the performance or fulfillment of any remaining obligations of the purchaser under the sale contract.

(4) Advance payments or other adequate security acceptable to the department is required for valuable materials sold on a scale sale basis or a lump sum sale not requiring full payment on the day of sale.

(a) The purchaser must notify the department before any operation takes place on the sale site.

(b) Upon notification as provided in (a) of this subsection, the department must require advanced payment or may allow purchasers to submit adequate security.

(c) The amount of advanced payments or security must be determined by the department and must at all times equal or exceed the value of timber cut and other valuable materials processed or removed until paid for.

(d) Security may be bank letters of credit, payment bonds, assignments of savings accounts, assignments of certificates of deposit, or other methods acceptable to the department as adequate security.

(5) Term of sale contract. All valuable material must be removed from the sale area within the period specified in the contract.

(a) The specified period may not exceed five years from date of purchase except for stone, sand, gravel, fill material, or building stone.

(b) The specified period for stone, sand, gravel, fill material, or building stone may not exceed thirty years.

(c) In all cases, any valuable material not removed from the land within the period specified in the contract reverts to the state.

(6) The department may extend a contract beyond the normal termination date specified in the sale contract as the time for removal of valuable materials when, in the department's judgment, the purchaser is acting in good faith and endeavoring to remove the materials. The extension is contingent upon payment of the fees specified below.

(a) The extended time for removal shall not exceed:

(i) Forty years from date of purchase for stone, sand, gravel, fill material, or building stone.

(ii) A total of ten years beyond the original termination date for all other valuable materials.

(b) An extension fee fixed by the department will be charged based on the estimated loss of income per acre to the state resulting from the granting of the extension plus interest on the unpaid portion of the contract. The board must periodically fix and adopt by rule the interest rate, which shall not be less than six percent per annum.

(c) The sale contract shall specify:

(i) The applicable rate of interest as fixed at the day of sale and the maximum extension payment; and

(ii) The method for calculating the unpaid portion of the contract upon which interest is paid.

(d) The minimum extension fee is fifty dollars per extension plus interest on the unpaid portion of the contract.

(e) Moneys received for any extension must be credited to the same fund in the state treasury as was credited the original purchase price of the valuable material sold.

(7) The department may, in addition to any other securities, require a performance security to guarantee compliance with all contract requirements. The security is limited to those types listed in subsection (4) of this section. The value of the performance security will, at all times, equal or exceed the value of work performed or to be performed by the purchaser.

(8) Any time that the department sells timber by contract that includes a performance bond, the department must require the purchaser to present proof of any and all property taxes paid prior to the release of the performance bond. Within thirty days of payment of taxes due by the timber purchaser, the county treasurer must provide certified evidence of property taxes paid, clearly disclosing the sale contract number.

(9) The provisions of this section apply unless otherwise provided by statute.

*{Replaces RCW 79.01.132 & .133}*

[2001 c 250 § 4; 2001 c 187 § 1; 1999 c 51 § 1; 1997 c 116 § 1; 1989 c 148 § 1; 1988 c 136 § 2; 1983 c 2 § 16. Prior: 1982 c 222 § 11; 1982 c 27 § 3; 1975 1st ex.s. c 52 § 1; 1971 ex.s. c 123 § 1; 1969 ex.s. c 14 § 2; 1961 c 73 § 1; 1959 c 257 § 13; 1927 c 255 § 33; RRS § 7797-33; prior: 1915 c 147 § 2; 1909 c 223 § 3; 1907 c 256 § 6; 1901 c 148 § 1; 1899 c 129 § 1; 1897 c 89 § 12; 1895 c 178 § 23. Formerly RCW 79.12.120.]

#### NOTES:

Reviser's note: This section was amended by 2001 c 187 § 1 and by 2001 c 250 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Application -- 2001 c 187: See note following RCW 84.40.020.

Severability -- 1983 c 2: See note following RCW 18.71.030.

Severability -- 1982 c 222: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 222 § 17.]

**NEW SECTION RCW 79.15.110 Conduct of sales.**

(1) Sales of valuable materials must be conducted under the direction of the department or its authorized representative.

(a) Sales of valuable materials, unless otherwise provided in this chapter, shall be at public auction or by sealed bid to the highest bidder, except that, on public lands granted to the state for educational purposes sealed bids may be accepted for sales of timber or stone only. *{79.01.200}*

(b) The person conducting the sale is called the auctioneer.

(2) On or before the time specified in the notice of sale each bidder shall deposit with the auctioneer a bid deposit equal to the amount specified in the notice of sale plus any fees required by law for the issuance of contracts or bill of sale.

(a) The bid deposit must meet the requirements of RCW 79.15.100 (3).

(b) The deposit may be in cash; or by certified check, cashier's check, or money order, all payable to the department of natural resources or by bid guarantee in the form of a bid bond acceptable to the department.

(3) The bid deposit, if prescribed in the notice of sale as authorized in RCW 79.15.100, may be considered an opening bid of an amount not less than the minimum appraised price established in the notice of sale..

(4) The successful bidder's deposit will be retained by the auctioneer.

(a) Any difference between the bid deposit and the total amount due including any fees required by law shall be paid on the day of sale. Payments may be by cash, certified check, cashier's check, bank draft, or money order payable to the department.

(b) Any amount of the deposit guaranteed by a bid bond must be paid to the department within ten days of the sale day in cash, certified check, cashier's check, money order, or other acceptable payment method.

(c) Other deposits must be returned to the respective bidders at the conclusion of each sale.

(5) The auctioneer must deliver to the purchaser a memorandum of his or her purchase containing a description of the materials purchased, the price bid, and the terms of the sale.

(6) The auctioneer must at once send to the department all payments or bid guarantees received from the purchaser and a copy of the memorandum delivered to the purchaser, together with additional reports of the proceedings as required by the department.

*{79.01.204 unless otherwise noted}*

**NEW SECTION RCW 79.15.120 Confirmation of sale.**

The department shall enter upon its records a confirmation of sale and issue to the purchaser a bill of sale for valuable materials if the following conditions have been met:

(1) No fewer than ten days have passed since the auctioneer's report has been filed.

(2) No affidavit is filed with the department showing that the interests of the state in the sale were injuriously affected by fraud or collusion.

(3) It appears from the auctioneer's report that:

(a) The sale was fairly conducted; and

(b) The purchaser was the highest bidder and the bid was not less than the appraised value of the material sold.

(4) The department is satisfied that the valuable material sold would not, upon being readvertised and offered for sale, sell for at least ten percent more than the price submitted by the apparent high bidder.

(5) The payment required by law to be made at the time of making the sale has been made.

(6) The department determines the best interests of the state will be served by confirming the sale.

*{79.01.212} {see also 79.11.175}*

**RCW ~~79.01.232~~ 79.15.130 Bill of sale for valuable materials sold separately.**

When valuable materials are sold separately from the land and the purchase price is paid in full, the ~~commissioner of public lands~~ department shall ~~cause~~ prepare a bill of sale, ~~signed by the commissioner and attested by the seal of his or her office, setting forth the time within which such material shall be removed, to be issued to the purchaser and to be recorded in the office of the commissioner of public lands, upon the payment of the fee provided for in this chapter.~~ The bill of sale shall:

- (1) State the time period for removing the material;
- (2) Be signed by the commissioner and attested by the seal of the commissioner's office upon full payment of the purchase price and fees;
- (3) Be issued to the purchaser upon payment of the fee for the bill of sale; and
- (4) Be recorded in the department.

*{Reworded}*

**RCW ~~79.01.238~~ 79.15.140 Valuable materials contract--Impracticable to perform/cancellation--Substitute valuable materials.**

(1) In the event that the department of ~~natural resources~~ determines that regulatory requirements or some other circumstance beyond the control of both the department and the purchaser has made a valuable materials contract wholly or partially impracticable to perform, the department may cancel any portion of the contract which could not be performed. In the event of such a cancellation, the purchaser shall not be liable for the purchase price of any portions of the contract so canceled. Market price fluctuations shall not constitute an impracticable situation for valuable materials contracts.

(2) Alternatively, and notwithstanding any other provision in this ~~title~~ chapter, the department of ~~natural resources~~ may substitute valuable materials from another site in exchange for any valuable materials which the department determines have become impracticable to remove under the original contract. Any substituted valuable materials must belong to the identical trust involved in the original contract, and the substitute materials shall be determined by the department of ~~natural resources~~ to have an appraised value that is not greater than the valuable materials remaining under the original contract. The substitute valuable materials and site shall remain subject to all applicable permitting requirements and the state environmental policy act, chapter 43.21C RCW, for the activities proposed at that site. In any such substitution, the value of the materials substituted shall be fixed at the purchase price of the original contract regardless of subsequent market changes. Consent of the purchaser shall be required for any substitution under this section.



**NEW SECTION RCW 79.15.150 Reoffer.**

A sale of valuable materials that has been offered, and for which there are no bids received, shall not be reoffered until it has been readvertised as prescribed in RCW 79.15.080.  
{79.01.196}

**PART II  
Damaged Timber**

**RCW ~~79.01.790~~ 79.15.210 Findings--Damage to timber.**

From time to time timber on state land is damaged by events such as fire, wind storms, and flooding. After such events the timber becomes very susceptible to loss of value and quality due to rot and disease. To obtain maximum value for the state, it is important to sell any damaged timber as fast as possible while providing ample protection for the physical environment and recognizing the sensitivity of removing timber from certain locations.

[1987 c 126 § 1.]

**RCW ~~79.01.795~~ 79.15.220 Sale of damaged valuable materials.**

When the department finds valuable materials on state land that are damaged by fire, wind, flood, or from any other cause, it shall determine if the salvage of the damaged valuable materials is in the best interest of the trust for which the land is held. If salvaging the valuable materials is in the best interest of the trust, the department shall proceed to offer the valuable materials for sale. The valuable materials, when offered for sale, must be sold in the most expeditious and efficient manner as determined by the department. In determining if the sale is in the best interest of the trust the department shall consider the net value of the valuable materials and relevant elements of the physical and social environment.

[2001 c 250 § 14; 1987 c 126 § 2.]

**PART III  
Rock, Gravel, etc., Sales**

**RCW ~~79.01.134~~ 79.15.300 Contracts for sale of rock, gravel, etc.--Forfeiture--Royalties--  
Monthly reports--Audit of books.**

(1) The department of natural resources, upon application by any person, firm or corporation, may enter into a contract providing for the sale and removal of rock, gravel, sand and silt located

upon state lands or state forest lands, and providing for payment to be made therefor on a royalty basis.

(2) The issuance of a contract shall be made after public auction and ~~such contract~~ shall not be issued for less than the appraised value of the material.

(3) Each application made pursuant to this section shall:

(a) ~~s~~ Set forth the estimated quantity and kind of materials desired to be removed and shall

(b) ~~b~~ Be accompanied by a map or plat showing the area from which the applicant wishes to remove such materials.

(4) ~~The department of natural resources may in its discretion include in any contract entered into pursuant to this section, such terms and conditions protecting required to protect the interests of the state as it may require. In each such~~

(5) Every contract ~~the department of natural resources~~ shall provide for a right of forfeiture by the state, upon a failure to operate under the contract or pay royalties for periods therein stipulated. ~~and he~~ The right of forfeiture is exercised by entry of a declaration of forfeiture in the records of the department. *{moved up from next paragraph below}*

(6) The department may require a bond with a surety company authorized to transact a surety business in this state, as surety, to secure the performance of the terms and conditions of such contract including the payment of royalties. ~~The right of forfeiture shall be exercised by entry of a declaration of forfeiture in the records of the department of natural resources.~~

(7) The amount of rock, gravel, sand, or silt taken under the contract shall be reported monthly by the purchaser to the department ~~of natural resources~~ and payment therefor made on the basis of the royalty provided in the contract.

(8) The department ~~of natural resources~~ may inspect and audit books, contracts and accounts of each person removing rock, gravel, sand, or silt pursuant to any such contract and make such other investigation and secure or receive any other evidence necessary to determine whether or not the state is being paid the full amount payable to it for the removal of such materials.

*{see inclusive definition of "person" in 79.02.010, derived from RCW 79.90.065}*

[1985 c 197 § 1; 1961 c 73 § 11.]

#### **RCW ~~79.04.176~~ 79.15.320 Road material--Sale to public authorities--Disposition of proceeds.**

(1) Any county, city, or town ~~desiring may file with the department an application to purchase any stone, rock, gravel, or sand upon any state lands or state forest lands to be used in the construction, maintenance, or repair of any public street, road, or highway within such county, city, or town.~~ may file with the commissioner of public lands an application for the purchase thereof, which

(2) Applications shall set forth the quantity and kind of material desired to be purchased, the location thereof, and the name, or other designation, and location of the street, road, or highway upon which the material is to be used.

(3) ~~The commissioner of public lands upon the receipt of such an application~~ department is authorized to appraise and sell said the material in such a manner and upon such terms as ~~he~~ the department deems advisable ~~and for the best interest of the state~~ for not less than the fair market value thereof ~~to be appraised by the commissioner of public lands.~~

(4) The proceeds of any such sale shall be paid into the state treasury and credited to the

fund to which the proceeds of the sale of the land upon which the material is situated would belong.

*{adding "state forest lands" in 79.15.320 (1) makes it consistent with 79.15.300 (1)}*

[1982 1st ex.s. c 21 § 155; 1927 c 255 § 44; RRS § 7797-44. Prior: 1923 c 71 § 1; 1917 c 148 § 13. Formerly RCW 79.12.250.]

**Notes:**

**Savings--Captions--Severability--Effective dates--1982 1st ex.s. c 21:** See RCW 79.96.901 through 79.96.905.

## **PART IV Firewood**

### **RCW ~~76.20.010~~ 79.15.400 License to remove firewood authorized.**

The department ~~of natural resources~~ may issue licenses to residents of this state to enter upon lands under the administration or jurisdiction of the department ~~of natural resources~~ for the purpose of removing therefrom, standing or downed timber which is unfit for any purpose except to be used as firewood.

[1975 c 10 § 1; 1945 c 97 § 1; Rem. Supp. 1945 § 7797-40a.]

### **RCW ~~76.20.020~~ 79.15.410 Removal only for personal use.**

In addition to other matters which may be required to be contained in the application for a license under this chapter the applicant must certify that the wood so removed is to be only for ~~his~~ the applicant's own personal use and in his or her own home and that ~~he~~ the applicant will not dispose of it to any other person.

[1945 c 97 § 2; Rem. Supp. 1945 § 7797-40b.]

### **RCW ~~76.20.030~~ 79.15.420 Issuance of license--Fee--~~Limit on amount removed.~~**

The application may be made to the department ~~of natural resources~~, and if deemed proper, the license may be issued upon the payment of two dollars and fifty cents which shall be paid into the treasury of the state by the officer collecting the same and placed in the resource management cost account or forest development account, as applicable; the license shall be dated as of the date of issuance and authorize the holder thereof to remove between the dates so specified not more than six cords of wood not fit for any use but as firewood for the use of ~~himself and the applicant and his or her~~ family from the premises described in the license under such ~~regulations~~ rules as the department ~~of natural resources~~ may ~~prescribe~~ adopt.

*{see note at beginning of chapter 79.13. Payment for a license on "state forest lands" will be placed in the forest development account.}*

[1975 c 10 § 2; 1945 c 97 § 3; Rem. Supp. 1945 § 7797-40c.]

**RCW ~~76.20.035~~ 79.15.430 Removal of firewood without charge—Authorization.**

Whenever the department of ~~natural resources~~ determines that it is in the best interest of the state and there will be a benefit to the lands involved or a state program affecting such lands it may designate specific areas and authorize the general public to enter upon lands under its jurisdiction for the purposes of cutting and removing standing or downed timber for use as firewood for the personal use of the person so cutting and removing without a charge under such terms and conditions as it may require.

[1975 c 10 § 3.]

**RCW ~~76.20.040~~ 79.15.440 Penalty.**

Any false statement made in the application or any violation of the provisions of ~~this chapter~~ RCW 79.15.400 through 79.15.430 shall constitute a gross misdemeanor and be punishable as such.

[1945 c 97 § 4; Rem. Supp. 1945 § 7797-40d.]